IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 22208 of 2004

Between:

1 N. Prabhakar Rao, S/o. Narasimha Rao,
H.No. 131/67, LIGH, S.R. Nagar Hyderabad - 500 038.
2 Kum. Neelima Kulkarni, D/o. Narasimha Rao,
H.No. 131/67, LIGH, S.R. Nagar Hyderabad - 500 038.

..... PETITIONERS

AND

1. The Chairman and Managing Director, AP Central Power

Distribution Company Ltd., Singareni Bhavan, Hyderabad.
2 The Superintending Engineer, (Operation Circle), Ranga

Reddy (South) AP Central Power Distribution Company Ltd.

Mint Compound, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue writ of Mandamus or any other appropriate writ or order or direction declaring the impugned action of the respondents in letter No. SE/OPO/RRC(S)/Adm/D.No. 2299/02, dt.21-11-2002 and in not absorbing the petitioners for the posts of LDCs/Typists/Sub-Engineers, as illegal, arbitrary and violative of Fundamental Rights Guaranteed Under Articles 14, 16 and 21 of the Constitution of India with consequential direction to the respondents to forthwith absorb the petitioners for the above said posts.

Counsel for the Petitioner:MR.P.RAGHAVA REDDY

Counsel for the Respondent Nos.1 and 2: MR.SAMINENI KISHORE

The Court at the admission stage made the following O R D E R:

This writ petition is filed questioning the action of the respondents in not absorbing the petitioners to the posts of L.D.Cs/Typists/Sub-Engineer.

The case of the petitioners is that the respondents having entered into an agreement with the recognized unions, issued B.P.Ms.No.36, dated 18.05.1997 for absorption and regularization into the regular vacancies to the initial cadres with the ex-causal labour, contract labour, etc., to the extent of 50% of vacancies existing as on that date. As per the directions of this Court in W.P.No.5064 of 1999, dated 18.11.1999, the respondents issued the impugned letter dated 21.11.2002. Challenging the same, the present writ petition is filed.

The petitioners contend that the service certificates produced by them were counter signed by the Assistant Divisional Engineer, Secunderabad, after verification of the department records and, therefore, they are entitled to be considered to the posts of LDCs/Typists/Sub-Engineers.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

A perusal of the impugned letter would show that the second respondent rejected the cases of the petitioners to the posts of LDCs/Typists/Sub-Engineers on the following grounds:

i. Agreement No. and check measurement date not mentioned in the Service Certificate.

ii. The service certificates furnished by you along with application form was sent

to the vigilance of A.P.TRANSCO for verification to confirm the genuineness of Service Certificates. As per the report of vigilance cell of A.P.TRANSCO "the genuineness regarding their services with contractor could not be established due to lack of corroborating evidence."

The service certificate dated 10.08.1998 would go to show that the first petitioner worked as a contract labour in the Radhika Electrical & Engineering Works. Whereas, the second petitioner has also obtained service certificate from the Radhika Electrical & Engineering Works. Both the certificates are counter signed by the Assistant Divisional Engineer, Secunderabad. When the two certificates were sent to the Vigilance cell regarding genuineness of their services with contractor, it was found to be not genuine due to lack of corroborating evidence. Learned standing counsel appearing for the respondents, on instructions, stated that at that relevant point of time, both the petitioners were prosecuting their studies. There is also no other material placed before this Court to show that they were actually working as contract labourers at that relevant point of time. Hence the impugned letter does not suffer from serious infirmities warranting interference of this Court. Unless the petitioners establish the genuineness of the service certificates, they are not entitled for absorption in pursuance of B.P.Ms.No.36, dated 18.05.1997.

In the circumstances, the writ petition is dismissed. No costs.

17.02.2005

usd

To

1. The Chairman and Managing Director, AP Central Power

Distribution Company Ltd., Singareni Bhavan, Hyderabad.

2 The Superintending Engineer, (Operation Circle), Ranga

Reddy (South) AP Central Power Distribution Company Ltd.

Mint Compound, Hyderabad.

3 Two CD copies.